

APPEAL NO. 040414  
FILED APRIL 5, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 22, 2004. The hearing officer determined that the appellant (claimant) sustained a compensable right leg injury on \_\_\_\_\_, and that he has not had disability due to the compensable injury from \_\_\_\_\_, through the present. The claimant appealed the hearing officer's determination that he has not had disability on sufficiency of the evidence grounds. The respondent (carrier) responded, urging affirmance. The hearing officer's injury determination has not been appealed and has become final. Section 410.169.

DECISION

Affirmed.

The claimant had the burden to prove not only that he sustained a compensable injury, but also that the compensable injury resulted in disability as defined by the 1989 Act. The issue of disability presented a question of fact for the hearing officer to resolve. There is conflicting evidence in this case. The 1989 Act makes the hearing officer the sole judge of the weight and credibility to be given to the evidence. Section 410.165(a). The hearing officer was not persuaded that the claimant met his burden of proof on the issue of disability. Our review of the record reveals that the hearing officer's disability determination is supported by sufficient evidence and that it is not so contrary to the overwhelming weight of the evidence as to be clearly wrong or unjust. Thus, no sound basis exists for us to disturb that determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL  
DALLAS, TEXAS 75201.**

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Daniel R. Barry  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Chris Cowan  
Appeals Judge